

**REMARKS**

This Amendment, filed in reply to the Office Action dated June 15, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-34 and 36-38 are all the claims pending in the application. Claims 1, 16, 17, 23, and 38 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,809,776 (hereinafter, "Simpson"). Claims 2-7, 18, 20, 21, and 25-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson, in view of U.S. Patent No. 6,144,164 (hereinafter, "Ito"). Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson in view of U.S. Patent No. 6,232,963 (hereinafter, "Tew"). Claims 11-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson in view of Tew and further in view of U.S. Patent No. 5,315,695 (hereinafter, "Saito"). Claim 37 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson in view of U.S. Patent No. 6,278,437 (hereinafter, "Iga"). Claims 19 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson in view of U.S. Patent No. 6,020,944 (hereinafter, "Hoshi"). Claims 22 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson, in view of U.S. Patent No. 6,063,030 (hereinafter, "Vara"). Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson in view of U.S. Patent No. 6,144,064 (hereinafter, "Ito") and further in view of U.S. Patent No. 6,532,474 (hereinafter, "Iwamoto").

As an initial matter, Applicant submits that the amendments set forth herein should be entered as a matter of course. The Examiner issued a new rejection against prior allowable claims 16 and 23 even though no substantive changes were made in the prior Amendment. In addition, claims 19 and 37 were previously pending also, and the Examiner also issued a new

rejection against these claims using new art. Therefore, Applicant respectfully submits that the finality of the Office Action should be withdrawn and that current claim amendments be entered as a matter of course.

Rejection of claims 1, 16, 17, 23 and 38 under §102(e) as being anticipated by Simpson

This rejection is rendered moot by the amendment of the base independent claims to include the subject matter of prior pending claim 5.

Rejection of claims 2-7, 18, 20, 21 and 25-33 under §103(a) over Simpson, in view of Ito

The subject matter of claim 5 was previously pending and rejected as set forth above. Applicant submits that the rejection of claim 5 (which subject matter is now included in each of the independent claims 1, 16, 19, 23, 25 and 37-38) is not supportable. Applicant submits that the rejections of claims 5 and 25 are improper for at least the following reasons.

Amended claim 1 recites that the luminance is adjusted based on operation of a graphical user interface. Applicant submits that the primary reference makes luminance adjustment automatically and thus does not rely on operations using a user interface. See col. 2, lines 23-27. The Examiner apparently concedes that Simpson fails to teach this aspect and cites col. 1, lines 50-61 of Ito to make up for the deficiency. However, Ito also adjusts the power supply to its electroluminescent devices automatically. In Ito, this control is provided through operation of switches under control circuit 5. As clearly illustrated by Fig. 5 of Ito, the EL signal from the control circuit operates the switches Sw1-Swn. The cited portion of Ito at col. 1, lines 50-61 merely describes adjustment of the electroluminescent data but does not refer to any use of a graphical user interface. No such interface is required in view of the EL control signal supplied via control part 5. Therefore, claims 1, 16, 19, 23, 25, 37 and 38 are patentable for at least these reasons.

Claim 25 describes the relative brightness of the image and ordinary maximum luminance. The Examiner again cites Ito to make up for the deficiencies of Simpson. However, the cited portion at col. 1, lines 50-61 of Ito only refers to qualitative differences between the dark and light luminance. By contrast, claim 25 describes a difference with more specificity. Therefore, claim 25 is patentable for at least this reason.

Rejection of claims 8-10 under §103(a) over Simpson in view of Tew

Claims 8-10 are patentable based on their dependency as Tew does not make up for the deficiencies of the base combination. Applicant respectfully submits that claim 9 is patentable over the combination of Simpson and Tew. Claim 9 describes that the non-image information is displayed at a maximum level represented by  $n-3$  bits, and the image is displayed at a maximum level represented by  $n$  bits. The Examiner apparently concedes that the bit representation information is not taught by Simpson and cites Tew to make up for the deficiency. Applicant submits that Tew relates to bit plane representations of a spatial light modulator, such as a DMD device. The reference increases the luminance intensity for a bit plane with a higher bit weight and decreases the intensity for a bit plane at a lower bit weight. This teaching does not specifically require a representation of a maximum level using  $n$  bits for an image area and representation of a maximum level using  $n-3$  bit for a non-image area. The teachings of Tew are insufficiently specific to render claim 9 unpatentable.

Claim 29 is patentable based on its dependency.

Rejection of claims 11-15 under §103(a) over Simpson in view of Tew and further in view of Saito

Claims 11-15 are patentable based on their dependency, as the combination of Simpson, Tew and Saito does not make up for the deficiencies of the base combination.

Rejection of claim 37 under §103(a) over Simpson in view of Iga

As amended, Applicant submits that the claim is patentable over the combination of Simpson and Iga, as set forth above for claim 5.

Rejection of claims 19 and 24 under §103(a) over Simpson in view of Hoshi

The rejections of claims 19 and 24 are moot in view of the amendment of the base claim. Hoshi does not make up for the deficiencies of the base Simpson combination.

Rejection of claims 22 and 36 under §103(a) over Simpson in view of Vara

The rejection of claim 36 is moot in view of the amendment of the base claim. Applicant further submits that claim 22 is patentable for at least the following reasons. Claim 22 describes that there are plural maximum ordinary luminance levels corresponding to respective diagnostic apparatuses connected to the display. The Examiner correctly concedes that Simpson fails to teach this aspect but cites the ultrasound connection to a display, as taught by Vara to teach this feature. However, even assuming arguendo that Vara teaches the connection of the diagnostic apparatus, there is no inherent requirement that there will be plural ordinary maximum luminance levels as claimed. Rather, each diagnostic equipment can be set to a reference level. Therefore, claim 22 is patentable for at least this reason.

Rejection of claims 34 under §103(a) over Simpson in view of Ito and further in view of Iwamoto

This rejection is moot in view of the amendment of the base claim. Iwamoto does not make up for the deficiencies of the base combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.116  
Application No.: 09/492,300

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

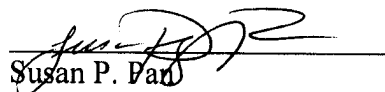
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**23373**

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